

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**RUTH M.,**

**Plaintiff,**

**v.**

**5:18-CV-1006  
(FJS/CFH)**

**ANDREW SAUL, Commissioner of  
Social Security,**

**Defendant.**

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**APPEARANCES**

**OF COUNSEL**

**LAW OFFICES OF STEVEN R. DOLSON**  
126 North Salina Street, Suite 3B  
Syracuse, New York 13202  
Attorneys for Plaintiff

**STEVEN R. DOLSON, ESQ.**

**SOCIAL SECURITY ADMINISTRATION  
OFFICE OF REGIONAL GENERAL  
COUNSEL - REGION II**  
26 Federal Plaza, Room 3904  
New York, New York 10278  
Attorneys for Defendant

**HEATHER SERTIAL, ESQ.**

**SCULLIN, Senior Judge**

**ORDER**

On May 4, 2015, Plaintiff filed a Title II application for disability insurance benefits and a Title XVI application for SSI benefits. *See* Dkt. No. 10-1, Administrative Record at 202-211. In both applications, Plaintiff alleged a disability onset date of September 1, 2005. *See id.* at 202. The Commissioner initially denied the applications on July 20, 2015. *See id.* at 128. Plaintiff requested a hearing, which was held on June 22, 2017, before Administrative Law Judge ("ALJ") Gretchen Mary Greisler. *See id.* at 1057-1094. At the hearing, Plaintiff amended her alleged disability onset

date to March 31, 2015. *See id.* at 1060. On August 2, 2017, the ALJ issued a decision denying Plaintiff's applications for benefits. The ALJ's decision became the Commissioner's final decision when the Appeals Council denied Plaintiff's request for review on July 27, 2018. *See id.* at 1-7. Plaintiff commenced this action on August 22, 2018. *See* Dkt. No. 1, Complaint. Defendant filed his answer on December 20, 2018. *See* Dkt. No. 10. Plaintiff filed her brief on February 4, 2019, *see* Dkt. No. 11; and Defendant filed his brief on March 18, 2019, *see* Dkt. No. 13.

On February 19, 2020, Magistrate Judge Hummel filed his Report-Recommendation and Order, in which he recommended that this Court reverse the Commissioner's decision and remand this case "for further administrative proceedings, during which the record can be appropriately developed, potentially including obtaining updated medical assessments of [P]laintiff[.]" *See* Dkt. No. 14 at 24. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, \*10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Hummel's February 19, 2020 Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

**ORDERS** that Magistrate Judge Hummel's February 19, 2020 Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

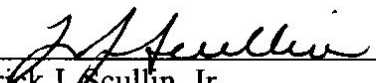
**ORDERS** that the Commissioner's decision is **REVERSED** and this case is **REMANDED**

**pursuant to sentence four of 42 U.S.C. § 405(g)** for further administrative proceedings, during which the record can be appropriately developed, potentially including obtaining updated medical assessments of Plaintiff; and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of Plaintiff and close this case.

**IT IS SO ORDERED.**

Dated: March 16, 2020  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Judge